

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**NO. 4:15-CR-263**

**ASHER ABID KHAN**

**MOTION TO WITHDRAW AND APPOINT SUBSTITUTE COUNSEL**

The defendant, **ASHER ABID KHAN**, through his counsel, moves this Court to permit the withdrawal of appointed counsel, Thomas S. Berg, and for the appointment of new counsel from the Criminal Justice Act Panel, as follows:

**I.**

Harris County, Texas elected a new district attorney, Ms. Kim Ogg, in November 2016. She assumed office on January 1, 2017. She requested that Mr. Berg come serve the people of Harris County as her First Assistant District Attorney. He accepted and will assume the duties of that office on February 15, 2017.

**III.**

State law does not permit the district attorney of Harris County to engage in the private practice law. That prescription applies to her assistants. Mr. Berg will not be able to continue representation of this defendant. Accordingly, on behalf of the defendant, Mr. Berg moves the Court to approve his withdrawal and to appoint substitute counsel under the Criminal Justice Act.

Respectfully submitted,

THOMAS S. BERG

/s/ Thomas S. Berg  
Southern District of Texas No. 3731  
Texas State Bar No. 02189200  
4306 Yoakum Blvd., Suite 400  
Houston, TX 77006  
Telephone: 713.236.1900  
Fax: 713.228.0321

CERTIFICATE OF SERVICE

I certify that a copy of this motion was served on opposing counsel and all other interested parties via Electronic Case Filing this 6th day of February 2017.

/S/ Thomas S. Berg\_\_\_\_\_

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**NO. 4:15-CR-263**

**ASHER ABID KHAN**

**ORDER**

The motion of appointed counsel, Thomas S. Berg, to withdraw is GRANTED.

David Adler from the Criminal Justice Act Panel is appointed in his stead.

SIGNED at Houston, Texas, this the \_\_\_\_ day of February 2017.

---

UNITED STATES DISTRICT JUDGE